REMARKS

Claims 1, 3, 4, 6, 10, 11, 13, 14, 16, 17, 19, 20, and 22-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication Number 2002/0095195 to Mass et al. Claims 1, 2, and 4-7 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,379,300 to Haubrich. Claims 3, 10, 11, 13-17, 19, 20, and 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haubrich in view of Mass et al. Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haubrich in view of Mass et al. and further in view of U.S. Patent Number 6,073,050 to Griffith. Claims 12 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haubrich in view of Mass et al. and further in view of U.S. Patent Number 6,567,703 to Thompson et al. Claims 9, 18, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haubrich in view of U.S. Patent Number 6,312,378 to Bardy. Reconsideration is respectfully requested.

DECLARATIONS TO SWEAR BEHIND MASS et al.

Submitted herewith are declarations of the inventors swearing behind the Mass et al. reference. Accordingly, Mass et al. does not qualify as prior art under 35 U.S.C. §102(e) or 35 U.S.C. §103(a). Therefore, it is respectfully submitted that the rejections based on the Mass et al. reference are moot.

REJECTION UNDER 35 U.S.C. §102

Claims 1, 2, and 4-7 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,379,300 to Haubrich. Applicants respectfully traverse this rejection.

Claim 1 is directed to an implantable cardiac therapy device that includes a casing that houses both cardiac therapy circuitry and communication circuitry. The casing is configured such that it isolates the communication circuitry from the cardiac therapy circuitry.

In contrast, the Haubrich patent discloses a pacemaker having an internal and external diplexer formed from high pass and low filters which isolate the pacemaker's

communication circuitry from the cardiac therapy circuitry. For example, in the Haubrich pacemaker high pass filter 26 located internal to the device prevents low frequency signals from the lead 16a due to natural cardiac depolarizations etc. from passing through to the input of transceiver 24 while low pass filter 30 prevents high frequency signals received by antenna 20a from passing into the pace/sense circuitry 28. (Haubrich, col. 4, lines 4-10).

Haubrich does not however disclose or suggest a casing configured to isolate the communication circuitry from the cardiac therapy circuitry as recited in claim 1 of the present invention but instead relies upon filters internal and external to the hermetic housing to provide the necessary isolation. Applicants therefore respectfully submit that claim 1 recites a novel and unobvious apparatus over Haubrich and is therefore allowable. Applicants further submit that claims 2-9 that depend from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

REJECTION UNDER 35 U.S.C. §103

Claims 9, 18 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haubrich in view of U.S. Patent Number 6,312,378 to Bardy. Applicants respectfully traverse this rejection.

Claim 9 depends from claim 1 and is allowable over Haubrich as is claim 1 and for the additional limitations recited therein. Similarly, applicants' claimed invention as recited in claim 18 is directed to an implantable cardiac therapy device having an encasing constructed to define first and second chambers in frequency isolation from one another. In applicants claimed invention the first chamber houses first circuitry to handles low-frequency signals and the second chamber houses second circuitry to handle high-frequency signals. Applicants respectfully submit that Haubrich or Bardy, alone or in combination, do not disclose or suggest the recited claim elements.

Rather, Haubrich, as argued above with respect to claim 1 simply discloses a pacemaker having an internal diplexer and an external diplexer which provide frequency isolation between communication circuitry operating at a relatively high frequency and the pacing circuitry operating at a relatively low frequency. (Haubrich, col. 4, lines 20-24). Further, Bardy simply discloses a system and method for automated collection and analysis of patient data from an implantable medical device. Bardy teaches that the

implantable medical device can be a cardiac implantable medical device or a wide range of other implantable devices used in other areas of medicine. (Bardy, col. 5, lines 36-42).

However, neither Haubrich or Bardy, alone or in combination disclose or suggest an implantable medical device having a casing with first chamber that houses first circuitry that processes low-frequency signals and a second chamber in frequency isolation from the first chamber that houses second circuitry that processes high-frequency signals as recited in claim 18 of the present invention. Applicants therefore respectfully submit that claim 18 is novel and unobvious over Haubrich and Bardy and are therefore allowable.

Independent claim 19 recites similar limitations. For example, claim 19 recites an implantable cardiac therapy device having a first can to house cardiac therapy circuitry and a second can to house a high-frequency transceiver, the first and second cans being configured to prevent high-frequency signals emanated in the second can from interfering with the cardiac therapy circuitry in the first can. Accordingly, independent claim 19 is also patentable over Haubrich and Bardy. Similarly, claims 20-26 that depend from claim 19 are allowable as is claim 19 and for additional limitations recited therein.

CONCLUSION

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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